

INDIAN TRUTH

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BREAKING FAITH WITH OUR FIRST AMERICANS

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Address before the Sixty-fifth Annual Meeting of the Indian Rights Association,
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When American statesmen talk with Europeans about the sanctity of treaties, there is always a skeleton in the closet. The skeleton is an Indian skeleton. The bones of its right hand clutched quill pens and even modern fountain pens, to sign hundreds of treaties and agreements. These documents are our national documents of title for some 90 percent of our public domain. These documents promise those that made this vast land cession that the little tracts they reserved as their own would be forever safeguarded and protected. According to these promises the Indians would be furnished plows, horses, schools, and other instruments of white man's magic that would help them to draw from the land that was reserved a greater income than once came from the entire Indian domain. All this was very much to our credit as a nation, I think. When I last had the privilege of speaking here, two or three years ago, I suggested that we ought not to underestimate the basic

human decency that went into our national effort to deal with the Indian land problem on a basis of treaty and agreement. But there is another side of the picture that is not a cause for pride. That is the fact that many of our Indian treaties were broken long before the ink on them began to fade. The conscience of America, as of the world, cannot forget this when international discussions veer to the subject of the sanctity of treaties.

For perhaps two decades, now, we have been able to speak of our own treaty-breaking in the past tense. This has been the case at least since 1929. That was the year, you will recall, when President Hoover, following a comprehensive survey of Indian maladministration by Brookings Institution, rescued the Indian Bureau from the domination of western mining and cattle interests and put that agency in the hands of honorable men of genuine humanity. The effort to make good faith the basis of our dealings with Indians reached a high level of success under the administration of Secretary Ickes. In those years, for the first time since the days of Columbus, Indian landholdings ceased to diminish and began to grow. The Indian death rate was cut almost in half. Indian in-

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come and educational opportunities were doubled. The final achievement of almost two decades of fair and honorable dealings was passage of the Indian Claims Act of August 13, 1946, under which old wrongs to Indian tribes were to be redressed.

The months that have passed since August, 1946, have seen what is, in my opinion, an almost complete overturn of the Hoover-Roosevelt policy of respect for the plighted word of the United States in its dealings with our Indian citizens. Even the Indian Claims Act of 1946 is being attacked as unconstitutional by the same Attorney General who advised the President to sign it a year or so ago—an Attorney General who has always refused to advise Congress on the constitutionality of pending bills because, he said, it would be his duty to defend the constitutionality of any law of Congress against all attack.

INTERIOR DEPARTMENT FAILS TO PROTECT INDIAN RIGHTS

In other Departments the full turn of the wheel is equally evident. The Interior Department has now resumed the old practice of giving away Indian lands and possessions, although this is currently accompanied with protestations of high respect for Indian rights. But different Secretaries of the Interior do not mean the same thing when they promise to protect Indian rights. When Secretary Ickes talked about protecting Indian rights he meant helping the Indians to fight every trespass on their possessions. The high point of such protection was reached when the Federal Government, on behalf of a small and helpless band of Walapai Indians in Arizona, sued the Santa Fe Railroad—sued largely because the Indian Rights Association insisted that the Government take the Indians' case to the courts. The result you all know. The Walapai won their suit in the Supreme Court to recover half a million acres of land that the Railroad had grabbed under a Congressional land grant sixty years ago without compensating the aboriginal occupants. Today when high officials talk about protecting Indian rights—when, for example, they assure those who ask embarrassing questions

about the Tongass Timber Act that this act protects Indian rights, what they mean is that someday the Indians may be able to sue to obtain redress for present wrongs. Or perhaps they mean that they will stop giving away Indian property at any point where the courts order them to stop. That kind of respect for Indian rights is a small enough sop to public opinion, since the courts are usually several years, if not decades, behind the times in passing upon the validity of Indian land grabs. The chances of any present-day official still being around when the Supreme Court passes on the legality of his dispositions of Indian lands, fisheries, and timber are rather remote.

The low water mark of the new Interior Department Indian policy appears most clearly in that Department's Alaskan program. In the current dreams of Alaskan development at the hands of hundred-million dollar corporations, one finds little regard for old promises that Indian land rights would be respected.

Even promises made within the past year or so are being swiftly forgotten. The Federal Register for December 9, 1946, publicly proclaims Secretary Krug's promise that hearings should be held to mark out the possessions of the Klukwan Indians, not far from Juneau. For over a year every effort of the Indian Bureau to arrange such hearings has been vetoed by the Secretary of the Interior, in view of objections from the Juneau Chamber of Commerce. The same issue of the Federal Register shows a promise that the Secretary made to the Eskimos of Point Barrow that they should have a town reserve to protect their possession of the whaling stations on which their chief food supply depends and of the little Arctic coal deposits that supply their fuel. That promise, too, is being forgotten. Dr. Dawber was assured by Secretary Krug just a few days ago that the Barrow Eskimos had not submitted any request for a reserve since December 9, 1946. Apparently Secretary Krug did not know that the Barrow Eskimos re-submitted their request in the spring of 1947, that this request was forwarded by Superintendent Foster in June, 1947, and that it was submitted to the Secretary, with Indian Office approval, about three months ago.

Even the Russian czars ordered their subordinate officials to respect the possessory rights of the Alaskan natives, and persuaded the United States to include a promise of such respect in the Alaskan Treaty of Cession. But that promise is also forgotten in the Department of the Interior, which is currently assuring inquirers that it is all right to take away Indian property in Alaska because no treaties are involved.

Please understand that when I speak thus harshly about the Interior Department I do not want to deny the many fine jobs that it is doing. But I would not be true to my own conscience if I did not speak frankly, outside of the Department, as I did within the Department, about the dark side of present-day Indian administration.

One of the difficulties in the present situation is that Commissioner of Indian Affairs William A. Brophy, a tried and true champion of Indian rights, has been away from Washington for a year recuperating from a relapse of tuberculosis brought on by an over-strenuous Alaskan campaign. Brophy's efforts landed a few hundred new hospital beds for Alaskan natives, whose tuberculosis rate, thanks to malnutrition and inadequate housing, is more than twenty times the national average, but they also landed Commissioner Brophy in one such bed himself. And some of his recommendations for the solution of Alaskan, Navajo, and other Indian problems, which have been ably seconded by Acting Commissioner Zimmerman, have languished for a year or more in departmental pigeonholes.

Complicating the struggle for Indian rights is the fact that streamlining Congress a year or so ago meant the abolition of the old Committees on Indian Affairs. This was a serious setback in the cause of Indian rights. The Indian committees, at least in recent years, showed a good deal of respect for public opinion especially as presented by church and other humanitarian groups interested in our national treatment of our First Americans. Indian affairs are now a secondary interest of committees that are primarily concerned with mining and livestock interests—traditionally the most aggressive assailants of Indian property rights. It is no wonder that the

heads of these committees have introduced and sponsored bills to deprive Indians of lands that have long been coveted by mining and livestock interests. One of these bills, which passed the Senate when nobody was looking, would reverse a Supreme Court decision evicting white trespassers from a Nevada reservation and hand over the Indians' land to the evicted trespassers at a nominal price.

CONCERNING NAVAJO PLIGHT

A review of the current Indian situation would not be complete without a comment on the Navajo problem. In some ways this is the most depressing, and in other ways, the most encouraging sector of the struggle for Indian rights, encouraging because of the vast demonstration of human sympathy that this situation has called forth.

The largest and most colorful of our surviving Indian tribes, living on a semi-desert area larger than Holland and Palestine put together, offers a perennial source of human interest stories. For the past year, the stories have been somber. Poverty, disease, and starvation have been the leading themes. American sympathy has been aroused as by a major disaster. Hundreds of tons of food and clothing have poured into the Navajo country. Congress, not to be outdone by private generosity, has set the machinery in motion for increasing appropriations for the Navajo to a point where an American standard of living may become a reality for our First Americans. At its last special session Congress authorized a two million dollar relief appropriation for the Navajo and their Hopi neighbors. Only a quarter of this amount was actually appropriated, but much larger appropriations for a long-range program of Navajo development are being seriously discussed. At least we are trying to make up to the Navajo for a century of white dishonor.

The tragic picture of want and suffering in the Navajo country that has been painted in recent months in the public press is not fictitious. The basic facts are not subject to dispute.

The Navajo are a shepherd people wresting a livelihood from a desert country where white men and cattle cannot

subsist. A Navajo family needs about 250 sheep to gain a decent livelihood. And 99 percent of the Navajo families today have nowhere near that number of sheep and would not be allowed to run them on the reservation if they had them, since the Interior Department, in order to stop soil erosion, has rigidly limited the number of sheep or horses that any Navajo family can run. Ten thousand Navajo eligible for old-age assistance, for aid to dependent children, or for aid to the blind, under the Federal Security Laws, have been denied such aid by state authorities administering Federal funds. The Navajo, like other reservation Indians of New Mexico and Arizona, are not permitted to vote, though they were counted in 1940 for the purpose of giving Arizona and New Mexico two representatives apiece in Congress. Denied the right to attend state schools, and limited to a few schools maintained by the Federal Government, the Navajo have an adult illiteracy rate of over 80 percent. With poverty and illiteracy, one naturally finds a terrifically high tuberculosis death rate and a dreadful infant mortality—the Indian Bureau estimates that half of the Navajo children die before reaching the age of five.

The only part of the popular picture that is not true to life is the portrayal of Navajo conditions as (a) something unique and (b) something new. The fact is that many other Indian groups, including the Paiute neighbors of the Navajo, as well as many other depressed non-Indian groups, such as the people of Puerto Rico, are no better off than the Navajo. And the novelty of the Navajo difficulties is purely fictitious. Of course no reporter likes to admit that his story deals with facts that have not been new for decades, or perhaps centuries. And so the impression has gone out that once the Navajo were healthy and prosperous but that recently something terrible has happened to them. The contrary is true. Certainly there is no evidence that the Navajo, except for brief periods of comparative prosperity brought by WPA or the war, were ever much more prosperous than they are today. The Meriam Report of 1928 found that the average per capita income of the Navajo—then numbered at about 30,000—varied, in

different areas, between \$34 per year and \$145 per year (as compared with a per capita income for some 60,000 Navajo of about \$240 in 1945 and a little less than \$200 today). The tuberculosis death rate of the Navajo today is probably ten times the national average, but in 1925, when the white death rate was much higher than it is now, the tuberculosis death rate for all Arizona Indians was 17 times the national average. Starvation was probably much more common 20 or 50 or 250 years ago than it is today. The fact that the Navajo population is now the most rapidly increasing racial population in the United States and that the tribal roster has grown from about 10,000 to 60,000 in the last 80 years, and practically doubled in the last 20 years, reflects the fact that the total income of the Navajo tribe, whether measured in food consumed or dollars received, has been increasing. But this progress, substantial though it be, has been too slow to satisfy the conscience of America. An adult illiteracy rate of more than 80 percent, a tuberculosis incidence 10 times that of the rest of the country, an infant mortality rate of 50 percent, are things that jar our sensibilities, and Americans are insisting that something be done to remedy these conditions. So long as this insistence refuses to be diverted to witch hunts, it will compel remedial action.

Unfortunately, explaining Navajo distress in terms of witches is a practice not restricted to Navajo medicine men. Those who think that Harold Ickes or John Collier are witches have no difficulty in tracing the "overpopulation" of the Navajo country to the humanitarian policies of these administrators. Those who think of the Indian Bureau as a permanent witch fervently ascribe the plight of the Navajo to the mistakes of that Bureau. While the Indian Bureau frankly admits to many mistakes—particularly an overstringent program of stock reduction from 1937 to 1947 to conserve eroded lands, before adequate alternative modes of earning a living had been found—the fact remains that the Indian Bureau has for years been pleading for additional appropriations for Navajo education, vocational training, irrigation, public health services, and other services of civilization. Now,

at least, the Bureau of the Budget and the Congress are recognizing the soundness of these pleas. It is a little awkward, under the circumstances, to pin the charge of witchcraft on the Indian Bureau. Equally awkward is the effort of assimilationists to pin the blame for Navajo suffering on the existence of the Navajo Reservation. Those Navajo families who live off the reservation, in such areas as Puertocito and Canyoncito or in the poorer quarters of Gallup, are no better off, certainly, than those who live on the reservation.

EXPLOITATION AND DISCRIMINATION

A more objective view of events does not need to invoke the hypothesis of witchcraft to explain the poverty of the Navajo and the usual incidents of such poverty. In the first place the Federal Government, in the postwar years of 1867-1868, separated the Navajo Indians from a large part of their land. While the forms of treaty-making were followed, the fact remains that the United States was represented by an Indian Peace Commissioner named William T. Sherman, who had recently marched from Atlanta to the sea, and the Navajo were represented by several of General Sherman's prisoners. Unequal as the treaty was, its enforcement was even more unequal. The most important compensation promised for the cession by the Navajo of their non-reservation lands was the maintenance by the Federal Government of schools for all Navajo children for at least ten years. This was never done. The result was that the Navajo did not have either the red man's land or the white man's learning on which to build an American standard of living.

Having learned the care of sheep, the use of horses, and the smithing of silver from the Spaniards, they were eager to learn other ways of earning a livelihood from the Americans. But they found that local prejudice and unconcern barred them from white schools and denied funds for Indian schools. Then, because the Federal Government set up a few schools for them, state courts and election authorities argued that being

subject to Federal influence and control they could not be permitted to vote. Barred from schools and polling places, it became a simple matter to bar them from social security benefits. Thus the chief services of civilization which might have raised the Navajo from the level of poverty that attends nearly all pre-industrial cultures have been denied to these people. Had they been allowed to hold their original lands they would now have adequate resources to support a much higher standard of living. Had they been allowed to realize a fair return on the land with which they parted, they might, with the proceeds, have purchased capital equipment for mines, mills, shops, service stations, hotels, and other pieces of white man's magic that help their white neighbors to earn a living. Some day, it is expected, the Navajo will be able to bring suit under the Indian Claims Commission Act passed in August, 1946, to secure compensation for the land that they surrendered for a price that was never paid. If they succeed, then future generations of Navajo Indians may be as well off as some of their white neighbors. But generations of Navajo Indians will have suffered to whom no compensation can ever be made.

The tragic aftermath that followed upon the constriction of Navajo land-holdings in 1868, and since, could serve, one might think, as a warning against a repetition of this process today. But history, as Hegel said, teaches only that men do not learn from the lessons of the past. Today, the senators who effusively mourn the plight of the Navajo and the high officials who plead for Navajo relief are condemning the kinsmen of the Navajo in Alaska, the Athapascan natives, along with their Indian and Eskimo neighbors, to a similar plight. Millions of acres of land are being taken from the Alaskan natives without compensation, and handed on silver platters to what the Alaskan natives refer to as the Fish Hawks and the Timber Wolves. Again the old excuse is being trotted out that someday the Indians will get compensation in the courts. How many generations will suffer before that judgment day? When the Indian Claims Commission was established it was assumed that the plundering of Indians was a thing of

the past, and so the jurisdiction of the Commission was limited to wrongs committed before 1946. For the wrongs that are now being consummated adequate remedies have yet to be devised, and the process of devising remedies may take decades or generations.

TONGASS FOREST STEAL

Within the past few months Congress has passed a racist expropriation law authorizing the Forest Service to disregard native possessions in southeastern Alaska and to seize Indian timber and sell it as if it were government property. The Forest Service has not only tried—so far unsuccessfully—to sell Indian timber under this law, but has even threatened to arrest Indians who cut Indian timber which the Forest Service has not succeeded in selling. At least one Eskimo who had the temerity to dig jade on the lands of his own people was thrown into jail for his trouble. An Interior Department investigation revealed that this was the act of an obliging United States Commissioner (subsequently dismissed) who wanted to please the local trader and a mining company, for whom this Eskimo prospector refused to work. A Tlingit Indian who tried to catch fish on his family fishing grounds, control of which had been turned over to a large packing corporation by obliging Federal officials, was likewise arrested. An FBI investigation of the Federal officials responsible for these gifts to the packers has never been made public. Now the good friends of the salmon packers, the timber barons and the mining interests, who put over the Tongass Timber Steal, are combining forces to rob the Eskimos in the Alaskan Arctic of the few reservations that have been set aside for the past twelve years. The latest Butler Bill (S.J. Res. 162; H.J. Res. 269) makes no pretense of compensating the Eskimos for the reservation areas of which it would strip them. It piously recites the hope that they will get compensation someday in the Indian Claims Commission, notwithstanding the fact that this commission has no jurisdiction over injuries committed after the date of its establishment. But even if the Eskimos and their Indian neighbors in Alaska do receive compen-

sation on some remote judgment day, how many will be left to enjoy it?

In the Arctic the penalty for being robbed is death. A committee of the American Medical Association reported, only a few weeks ago, that of a class of 30 children who entered the first grade in the northernmost schoolhouse under the American flag, only 6 lived to graduate.

A hint from Senator Butler was enough to stop proceedings in which the natives of Shungnak were seeking establishment of a reservation. The good Governor of Alaska, who had suggested the Shungnak reservation in the first place, back in August, 1946, now became discreetly silent. Of course the Alaskan natives do not care whether their lands are called reservations or not. All they want is what the Navajo wanted, what most of our Indian tribes have wanted, and what our lawmakers have generally accorded them—the right to hold their own lands or to receive a fair compensation on its sale. All explanations of why Indians should not enjoy this basic right which all other American citizens enjoy, and which we accord even to foreigners in our midst, are hollow rationalizations of racial prejudice. It is true that this prejudice does not take exactly the same forms as prejudice against Negroes or Jews or foreigners or Catholics. Its dominant note is the feeling that Indians are not quite human, and certainly not fit to own their own homes, cut their own trees, or mine their own lands. It is to this stereotype of the Indian squatting across the road of progress that all schemers appeal when they propose to relieve Indians of valuable lands. It makes no difference whether the lands are in southwestern deserts or Arctic tundra. It makes no difference that Indians are actually developing the natural resources on their reservations far more swiftly and efficiently than is the United States on its public lands. It makes no difference that in Alaska the outstanding example of a community using all available resources of timber, water power, and fisheries for the common welfare is the Indian town of Metlakatla on the Annette Island Reservation. The stereotypes of prejudice are relatively immune to factual argument.

MASKED PLUNDER

Of course, no assault on Indian lands can succeed if it is formulated as a bare-faced steal. To be successful on a large scale, plunder must always wear the mask of national interest and high moral purpose. The national interest in impoverishing the Indian is generally cast on the assumption that Indians do not know how to develop their own resources, which must therefore be turned over to enterprising corporations in order to ensure full production of commodities needed for war or peace. This line does not always carry much conviction, however, because Indian-owned timber resources and minerals have for years been utilized at a higher rate, and yet with better conservation safeguards, than timber and minerals on the public domain.

The chief justifications for the present raid on Indian resources is therefore the high moral line that reservations and Federal protection of Indian lands are degrading. "Emancipating the Indian" has become the catchword of those who would like to free the modern Red Man from his property. Freeing the Indian from the Indian Bureau has become a high-sounding circumlocution for depriving Indians of promised Federal protection and opening their lands to all forms of encroachment. This appeal to "emancipate" the Indian from his property is highly plausible, because it fits into our national guilt complex about our past treatment of the Indian. The process of separating the Indian from his lands has been accompanied by a corruption and barbarity which give a bad sound to every part of that process. The bad sound attaches even to the one great concession that was made in our earliest land grabs, by which Indians were allowed to "reserve" some part of their original domain for their own use. It was this right to draw a line and keep out the trespassing white prospector or cattleman that made it possible for Indians to regroup their forces and emerge, after a century or more of dealings with white civilization, not as a defeated and suppressed minority but as a vigorous people, increasing in number more rapidly than any other group in our population, contributing in unparalleled proportions

to our war efforts, and, with a few dramatic exceptions, making tremendous strides forward in productive enterprises, education, health, and general living standards.

To the unthinking white man, a "reservation" is an undistinguished part of a process that is unpleasant to think about. To the Indian his reservation is home, his "promised land," all that stands between him and the spiritual and physical destruction that most non-reservation tribes have undergone.

The tactic of giving Indian property bad names such as "reservations," "aboriginal rights," or "Indian title," and then "freeing" the Indian from degradation by taking away his property, now has the blessing of Senator Butler, the head of the Senate Public Lands Committee. That tactic will be worked to its limit until the American people realize that a new Century of Dishonor has begun.

I do not want to close on a note of despair. There are several hopeful signs on the horizon today. One is that the American public, according to a recent Gallup poll, is coming to recognize that Indians are human beings entitled to rely on the promises of the United States that they might retain some small fragments of their original domain. When the old slogan "Down with segregation" no longer works to enlist public support of unscrupulous raids on Indian land, we Americans will be able to talk of the sanctity of treaties with straighter faces.

Another hopeful sign is that the American people are coming to realize that the way we treat our oldest minority is a matter of international significance.

When isolationist newspapers and senators, in the midst of a Congressional debate on aid to Europe, discuss starvation among the Navajo, their motives may be less than 99 44/100 percent pure, but the relevance of the facts they present cannot be denied. The same may be said for the cartoon in a Soviet army paper in Berlin, showing a bedraggled Indian observing: "They promised aid to us but they didn't call it the Marshall Plan then." After all, the business of supplying aid to the survivors of wars in which we have engaged has been a serious concern of the United States Govern-

ment for a century and a half, in the Indian country. We cannot complain if our failures and mistakes in this domain become a fertile source of propaganda in the United States against aid to Europe, and in Europe against aid from the United States. It would be much simpler to set our house in order in our dealings with Indians here at home.

The assurance given us by high Federal officials that we have the resources to help Europe would be more convincing if they were not at the same time advising Congress that we are too poor, as a nation, to pay various Indian tribes in cash for the timber and lands that we are taking, or proposing to take, from them. The good faith of the United States, on which every European nation that enters into an aid agreement must rely, would be clearer in the popular mind if we were living up to our promises to our Indian citizens. And our assurance that we do not intend to interfere with self-government in Europe would carry more conviction if so many senators and congressmen were not at the moment pushing bills which would, in violation of solemn treaty promises, abolish existing Indian municipal councils and land reserves.

WORLD-WIDE SIGNIFICANCE

Attitudes of discrimination and prejudice have a way of transferring from one object to another. That is why prejudice toward any group, however small, however remote, represents so serious a danger to all of us. That is why our treatment of our oldest racial minority in America has an importance that is not to be measured by the number of Indians who are mistreated. Modes of discrimination that were first tried out in California against Indians were effectively transferred to Chinese, then to Japanese and finally to all non-Anglo-Saxon immigrants from the Old World. A single thread of racism runs through the West Coast vigilante wars of the 1850's against Indians and Chinese that led to

the first breach in our American policy of welcome to the refugees of Old World oppression. That first breach, the Chinese Exclusion laws of 1884, led in turn to the successive elaborations of legalized xenophobia culminating in our present quota system with its discriminations against all but the non-immigrating immigrants of Anglo-Saxon stock. As the only good Indian was a dead Indian, so today the only good immigrant is one who does not immigrate.

For this reason the racial expropriation laws that are being passed by Congress to remove Indian property from Indian hands have an importance far beyond the dimensions of our Indian population. What is done to Indians or Eskimos of Alaska or Nevada today can be done to Negroes in the South tomorrow and to Jews, Catholics, or descendants of non-Anglo-Saxon strains the day after tomorrow. That is why the efforts of the good people here to break down the stereotypes of racial prejudice in Indian affairs have so large a significance in the world today.

To the extent that our policies as a nation are infected by prejudiced stereotypes of the Navajo, the Eskimo, the French, or the Italian, we are not going to make a success of any national policy of aid to the survivors of big wars or little wars. Favors conferred from pinacles of racial superiority make enemies, not friends. What we need most of all today is the sense that made itself manifest in this city in the days of our youth as a nation, that enabled the Founding Fathers of our Republic to promise friendship and equal treatment to all nations and their citizens, to promise "the utmost good faith . . . towards the Indians; their land and property shall never be taken from them without their consent," and to find a basis for both attitudes, and a steady guide to international and domestic policy, in the promise "that all men are created equal."